

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

<b>CHRISTOPHER L. KIRK</b>	:	<b>Case No. 1:10-cv-00351</b>
Plaintiff,	:	<b>Judge S. Arthur Spiegel</b>
vs.	:	
<b>CLINTON COUNTY BOARD OF COMMISSIONERS, et al.</b>	:	<b>RULE 26(f) JOINT REPORT OF THE PARTIES</b>
	:	
Defendants.	:	
	:	

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on August 27, 2010, and was attended by:

Dwight D. Brannon, Counsel for Plaintiff

Jeffrey A. Stankunas, Counsel for Defendants

Mark H. Troutman, Counsel for Defendants

2. The parties:

\_\_\_\_\_ have provided the pre-discovery disclosures required by Fed. R. Civ. P. 26(a)(1), including a medical package (if applicable).

X will exchange such disclosures by: November 5, 2010.

\_\_\_\_\_ are exempt from disclosure under Fed. R. Civ. P. 26(a)(1)(E).

3. The parties:

\_\_\_\_\_ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

X do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).

\_\_\_\_\_ unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c), for trial purposes only, in the event that the assigned District Judge is unavailable on the date set for trial (e.g.,

because of other trial settings, civil or criminal).

4. Recommended cut-off date for filing of motions directed to the pleadings:

December 31, 2010.

5. Recommended cut-off date for filing any motion to amend the pleadings and/or to add additional parties:

November 30, 2010.

6. Recommended discovery plan:

- a. Describe the subjects on which discovery is to be sought and the nature, extent and scope of discovery that each party needs to: (1) make a settlement evaluation, (2) prepare for case dispositive motions and (3) prepare for trial:

Discovery will need to be conducted on all issues raised in Plaintiff's Complaint, including the Sheriff's investigation and Plaintiff's subsequent discipline, as well as issues pertaining to Plaintiff's damages. The parties currently anticipate that standard written discovery requests and depositions will be utilized. While some of the requested discovery will be brief, there may be a need to exceed the number and scope permitted under the Federal Rules of Civil Procedure.

- b. What changes should be made, if any, in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the local rules of this Court, including the limitations to 25 interrogatories/requests for admissions and the limitation of 10 depositions, each lasting no more than one day consisting of seven (7) hours?

The parties request that the applicable discovery limitations be expanded as follows:

1. The parties may conduct up to 20 depositions without leave from Court;
2. Plaintiff may serve a maximum of 100 Requests for Interrogatories and 100 Requests for Admissions;
3. Defendants will collectively serve a maximum of 100 Requests for Interrogatories and Requests for Admissions.

- c. Additional recommended limitations on discovery:

None anticipated at this time.

- d. Recommended date for disclosure of lay witnesses:

February 16, 2011.

- e. Describe the areas in which expert testimony is expected and indicate whether each expert has been or will be specifically retained within the meaning of Fed. R. Civ. P. 26(a)(2).

The parties anticipate that they may retain experts within the meaning of Fed. R. Civ. P. 26(a)(2) to testify on issues of defamation, police standards, policies and procedures, and economic damages.

- f. Recommended date for making primary expert designations:

March 29, 2011.

- g. Recommended date for making rebuttal expert designations:

May 16, 2011.

- h. The parties have electronically stored information in the following formats:

None known at this time.

The case presents the following issues relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced:

Counsel are in the process of determining the nature of electronically stored information and will cooperate regarding discovery issues concerning same.

- i. The case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:

None known at this time. Most matters are public documents.

Have the parties agreed on a procedure to assert such claims **AFTER** production?

X  No

Yes

Yes, and the parties ask that the Court include their agreement in an order.

- j. Recommended discovery cut-off date:

August 31, 2011.

7. Recommended dispositive motion date:

September 30, 2011, or sooner pursuant to the Federal Rules of Civil Procedure.

8. Recommended date for status conference (if any):

July 20, 2011.

9. Suggestions as to type and timing of efforts at Alternative Dispute Resolution:

The parties will consider mediation at various stages throughout the litigation. The parties will make an initial effort to mediate in February, 2011.

10. Recommended date for a final pretrial conference:

Thirty days prior to trial.

11. Has a settlement demand been made?

Yes, but rejected with no counterproposal; it has now been withdrawn.

Date by which a settlement demand can be made:

November 1, 2010.

Date by which a response can be made:

December 1, 2010.

12. Other matters pertinent to scheduling or management of this litigation:

None at this time.

Respectfully submitted,

/s/ Dwight D. Brannon

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*Attorneys for Defendants*